



DRAFT MEETING MINUTES
BOARD OF SUPERVISORS, COUNTY OF MONO
STATE OF CALIFORNIA

Regular Meetings: The First,
Second, and Third Tuesday
of each month

Regular Meeting

County Courthouse,
Bridgeport, CA 93517

November 3, 2009

Flash Drive	File #1015
Minute Orders	M09-247 through M09-261
Resolutions	R09-78 through R09-81
Ordinance	(Ord09-05 not used)

9:00 AM

Meeting Called to Order by Vice Chairman Hunt
Moment of silence in honor of Chairman Bill Reid.

Pledge of Allegiance led by Supervisor Bauer

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD
No one spoke.

BOARD MEMBER REPORTS

Supervisor Bauer:

1. Attended memorial service for Supervisor Reid.
2. Transportation lobby group offered to help Mono County. Working on the project Vets and Vouchers for Transportation. ESTA is discussing the possibility of providing transportation from the Mammoth-Yosemite airport.
3. Received two new CAC applications to fill a vacancy.

Supervisor Farnetti:

1. Attended the Solid Waste Task Force meeting. In the future the Town won't be as supportive of increased fees. The County needs to thoroughly review its solid waste program, and should hire a consultant to analyze the function and present recommendations.
2. Went out of town after the last Board meeting and regrettably was unable to attend Supervisor Reid's memorial.

Supervisor Hazard:

1. Attended the Paradise RPAC meeting. Road improvements are moving forward, but need to address a road safety problem in the area. Public Works is reviewing the situation. Discussed Swall Meadows emergency access road.

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2. Attended Supervisor Reid's memorial service.
3. Last Thursday attended the CPUC meeting (along with representatives from Inyo County) to make comments about the Praxis project. Received verbal support from the Commission.
4. Crowley Lake issues: 1) A property owner has received a code enforcement citation; the appeal may come to the Board. 2) A new well-drilling operation is causing concern.

Supervisor Hunt:

1. October 22: Attended the CPT meeting. Upcoming issues include corridor management planning and trails access.
2. October 28: Attended the Mental Health/Alcohol and Drug Commission meeting. Received an update on the bylaws.
3. October 29: Attended the First 5 Commission meeting.
4. October 25: Attended Supervisor Reid's memorial service.
5. A resident in Mono City is concerned about burial plot reservations in the cemetery.
6. Received an email from Repair California about efforts to set up a new California Constitution.
7. Last night attended the Mammoth Lakes Housing, Inc. meeting. Discussed inclusionary housing.

COUNTY ADMINISTRATIVE OFFICE

- 1) CAO Report regarding Board Assignments (David Wilbrecht)
Receive brief oral report by County Administrative Officer (CAO) regarding his activities.

Dave Wilbrecht:

1. Finalizing the HR Director recruitment; the notice will be posted next week.
2. Finalizing the Walker Senior Center Site Coordination position.
3. There is an IMAAA meeting on November 23rd. This will be a workshop with the consultant who is doing strategic planning.
4. The Town is considering revamping its parks and recreation division, and has created the Mammoth Region Recreation Council. Wilbrecht has been invited to attend meetings; the future of recreation may impact the County. Since members of the Town Council are attending the meetings, the Board may want to consider having a representative attend. Wilbrecht will agendize this issue for Board discussion.
5. A bike event is being planned for next September, and will be similar to European-style events which attract thousands of riders and visitors. Mammoth Mountain Ski Area is a prime sponsor. The event will benefit tourism, but there will be costs in terms of public safety and coordination.
6. Attended a state CAO meeting and Mono County is doing well compared to other California counties. Many CAO positions are vacant.
7. Attended Supervisor Reid's memorial service.
8. Contacted NACo about their pharmacy program, which could benefit those in the County that don't have insurance. There is no impact to the County except the time needed to issue the card.

- 2) **APPROVAL OF MINUTES**

M09-247 Approve Minutes of the Regular Meeting held October 13, 2009.
Bauer/Hazard, 4-0

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Closed Session: 9:04 a.m.
Break: 10:08 a.m.
Reconvened: 10:10 a.m.
Lunch Break: 12:02 p.m.
Reconvened: 1:05 p.m.
Adjourned: 2:46 p.m.

CLOSED SESSION

No report from Closed Session.

BOARD OF SUPERVISORS

- 3a) CONFERENCE WITH LABOR NEGOTIATORS - Government Code Section 54957.6. Agency designated representative(s): Brian Muir, Marshall Rudolph, Dave Wilbrecht, Rita Sherman and Mary Booher. Unrepresented employee(s): Animal Control Director.
- 3b) CONFERENCE WITH LABOR NEGOTIATORS - Government Code Section 54957.6. Agency designated representative(s): Brian Muir, Marshall Rudolph, Dave Wilbrecht, Rita Sherman and Mary Booher. Unrepresented employee(s): Mental Health Director.
- 3c) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Government Code section 54957. Title: County Counsel.
- 3d) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Government Code section 54957. Title: County Administrator.

Portions of the meeting included a videoconferencing demonstration from the Mammoth CAO Meeting Room.

DEPARTMENT REPORTS/EMERGING ISSUES

Kelly Garcia, Assistant Public Works Director: Provided an update about the jail facility and roof replacement. Work will continue through November. Interior rehabilitation is on schedule, and work should be completed by Thursday. Inmates should return starting on Monday.

- Sheriff Scholl: His staff has been working hard to resolve the problem.
- Evan Nikirk, Public Works Director: Public Works has been using the current situation to anticipate and fix other problems.

Stacey Simon, Assistant County Counsel: Provided an update about legislation regarding the Walker River acquisition and leasing program. The Board opposed the inclusion of Mono County in the acquisition and leasing program. The House and Senate removed the language as requested by Mono County, and the President signed the bill into law on October 28th. However, the irrigation district seems to believe California is still included. Simon has scheduled a meeting with several entities next week to clarify the issue.

- Board Direction: Agendize as a recurring issue for discussion.

Brian Muir, Finance Director: 1) Provided an update about the Quarterly Investment Report. Will continue to invest at the short-term rate until there is a change. 2) The Finance Department can now accept credit card payments for tax bills.

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Lynda Roberts, Clerk of the Board: Provided feedback from department heads about the videoconferencing demonstration held during the October 20, 2009 Board meeting.

Evan Nikirk, Public Works Director: Provided an update about ground contamination from the Social Services heating oil tank. The report has been submitted to the health department and will be forwarded to the water board. The next step will be to conduct evaluations to determine if off-site ground water has been impacted.

CONSENT AGENDA

(All matters on the consent agenda are to be approved on one motion unless a board member requests separate action on a specific item.)

CLERK OF THE BOARD

4a) **Mono County Child Care Planning Council** - Appointments to the Mono County Child Care Planning Council.

M09-248 **Action:** Appoint Kathryn Peterson and Deanna Clark to the Mono County Child Care Planning Council for two-year terms beginning on the date of appointment.
Farnetti/Hazard, 4-0

REGULAR AGENDA

CORRESPONDENCE RECEIVED (INFORMATIONAL)

All items listed are available for review and are located in the Office of the Clerk of the Board

CLERK-RECORDER

5a) Letter from Governor Schwarzenegger - Regarding the Board's letter of support for Williamson Act funding.

The Board acknowledged receipt of the correspondence.

SHERIFF CORONER

6a) **Employment Resolution for Tim Delaney** (Sheriff Rick Scholl) - Present Resolution of Appreciation to Tim Delaney for his years of service and employment with the Mono County Sheriff's Department.

M09-249 **Action:** Adopt Resolution of Appreciation recognizing Tim Delaney's service to Mono County.
Bauer/Hazard, 4-0

Sheriff Scholl: Honored Deputy Delaney who is retiring after 28 years. Delaney received many commendations from judges for how he handled the courts, and his performance exceeded standards for over 26 years. Sheriff Scholl presented a plaque to Delaney from the Sheriff's Department.

The Board presented a resolution of appreciation to Deputy Delaney and acknowledged his service to Mono County.

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- 6b) **Public Safety Officer attendance at the Riverside County Sheriff's Department's 179th Basic Peace Officer Academy January 4, 2010 – June 25, 2010** (Sheriff Rick Scholl) - Public Safety Officer Pelichowski has been selected to participate in the Mono County Sheriff's Department Public Safety Officer to Deputy Sheriff Program.

M09-250 **Action:** Approve and authorize Public Safety Officer John Pelichowski's attendance at the Riverside County Sheriff's Department 179th Basic Peace Officer Academy January 4, 2010 – June 24, 2010.
Bauer/Hazard, 4-0

Sheriff Scholl: Introduced John Pelichowski, who has been promoted to Deputy Sheriff I. The Sheriff requested approval for his request to send Pelichowski to the academy; the program has been successful and graduates are staying with Mono County.

HEALTH DEPARTMENT

- 7a) **Independent Hearing Panel Local Enforcement Agency (LEA)** (Louis Molina) -Reappoint new members to the LEA Independent Hearing Panel. Members for the next two-year term will be Supervisor Hunt, Rebecca Paranick and Lisa Isaacs.

M09-251 **Action:** Approve the Independent Hearing Panel and approve the Independent Hearing Panel members and term dates as follows: 1) Supervisor Hunt, Rebecca Paranick and Lisa Isaacs, November 3, 2009, through November 3, 2011; 2) Supervisor Hunt, Rebecca Paranick and Brian Robinette, November 3, 2011, through November 3, 2013.
Hazard/Farnetti, 4-0

Louis Molina: The department is required to have a hearing panel in place in order to hear complaints about inspection issues. Members include one Board member, a technical expert in the field of solid waste, and one community member. The proposed panel members have agreed to be on the panel. Molina recommended approval of the panel and panel members. Alternate members are available if needed.

Additional Departments: County Counsel

- 7b) **Review of Local Health Emergency** (Dr. Richard Johnson, County Health Officer) - On September 8, 2009, the county health officer declared a local health emergency related to the H1N1 influenza pandemic, which the Board then ratified on September 15, 2009. Pursuant to applicable state law, the Board has thereafter reviewed the need for continuing the local emergency at least every fourteen days and, thus far, has chosen to continue the local health emergency.

R09-78 **Action:** Adopt **Resolution R09-78** continuing a local health emergency.

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Hazard/Bauer, 4-0

Dr. Richard Johnson: Provided an update about the flu pandemic. The problem is getting worse internationally and nationally; locally there have been surges in the out-patient clinics. The State has been slow in providing the vaccine, but when the vaccine arrives this week, those in the highest risk categories will get vaccinated first. When the vaccine is distributed, it goes to providers that have signed up, which include Mono County Health Department and the Mammoth Hospital. Paramedics are being trained to give vaccinations. Johnson asked for continuation of the emergency resolution so Paramedics can give vaccinations.

COUNTY COUNSEL

- 8a) **MOU with Central Nevada Regional Water Authority** (Stacey Simon) - Consider and potentially approve County entry into proposed Memorandum of Understanding with the Central Nevada Groundwater Authority pertaining to the establishment of a forum for the discussion and study of water resource issues common to the County and the Authority and authorize the Chair of the Board to execute said Memorandum of Understanding on behalf of the County. Receive staff report. Provide any desired direction to staff.

M09-252 Action: Enter into Memorandum of Understanding with the Central Nevada Regional Water Authority (CNRWA). Designate Vikki Bauer as a county representative to CNRWA.

Hazard/Bauer, 4-0

Stacey Simon: Representatives from the Central Nevada Regional Water Authority came before the Board in May. Eight rural Nevada counties are members of this authority and formed the JPA in order to analyze and protect their long-term water resources. Recently they have been reaching out to counties outside of Nevada because they may share common groundwater resources; Inyo county and two counties in Utah have signed the MOU. Signing the MOU would only commit Mono County to send a representative to the annual meeting to discuss interests and share information.

Supervisors Bauer and Hazard: Supported the MOU since Mono County has interests in common with the Nevada counties. Supervisor Bauer volunteered to serve as the representative; Stacey Simon will provide staff report.

Hal Curti, resident of Antelope Valley and member of the Antelope Valley Mutual Water Company: This organization came into existence because of a plan to drill wells on the border and "mine" water. He supported the MOU so Mono County can have access to information and provide input.

Additional Departments: District Attorney

- 8b) **Resolution Imposing Additional Fee for Crimes of Domestic Violence** (Stacey Simon) - Consider and potentially adopt proposed resolution authorizing an additional fee upon fines, penalties, and forfeitures imposed and collected by the court for certain crimes of domestic violence. Receive staff report. Provide any desired direction to staff.

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- R09-79** **Action:** Adopt **Resolution R09-79** authorizing an additional fee upon fines, penalties, and forfeitures imposed and collected by the court for certain crimes of domestic violence.
Farnetti/Hazard, 4-0

Stacey Simon: The additional fee, up to \$250, was authorized by the legislature, and can be imposed by adoption of a resolution; the proposed resolution would impose the maximum fee. The money would be used to fund domestic violence prevention programs offered by Wild Iris. The court can waive the additional fee if it determines a defendant does not have the ability to pay. The Chief Administrative Officer of the Courts is aware of the proposed resolution, and the District Attorney's office reviewed this item.

BOARD OF SUPERVISORS

- 9a) **State Budget** (Board Members) - The Board of Supervisors may discuss issues pertaining to the California State budget.

Action: No Action

Supervisor Bauer: Next year's budget is already \$10 billion in the whole.
Supervisor Farnetti: There is not a lot of movement right now on the issue of having a Constitutional Convention. He asked for this issue to be agendized.

- 9b) **Vacancy--Supervisor District 4** (Board Members, County Counsel, County Administration) - Issues pertaining to the vacancy on the Board of Supervisors resulting from Supervisor Reid's death.

- M09-253** **Action:** Authorize a letter, as modified, to be sent to Governor Schwarzenegger notifying him of the vacancy.
Bauer/ Hazard, 4-0

- M09-254** **Action:** Appoint Vice Chairman Hunt as Board Chair for the remainder of the year.
Farnetti/Bauer, 4-0

- M09-255** **Action:** Appoint Supervisor Farnetti as Vice Chairman for the remainder of the year.
Bauer/Hazard, 4-0

- M09-256** **Action:** Appoint the CAO to serve as a member of the Local Transportation Commission.
Bauer/Hazard, 4-0

Marshall Rudolph: There will be an election for a successor in June 2010; depending on the outcome, there could be a run-off election in November 2010. The Governor has the authority and obligation to appoint an interim board member, however, there is no time period so he could

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in effect take no action. As a practical matter, the Governor can consider suggestions from the Board. The candidate who wins the election will take office immediately.

Board Comments:

- This will most likely be a low priority for the Governor.
- If recommendations are given to the Governor, it should be the citizens of District 4 suggesting people for an interim appointment.
- Rather than requesting an interim appointment, it may be better for the Board Members to handle District 4 responsibilities until the election.
- Board members are committed to assisting with representation in District 4.
- Modify the proposed letter to the Governor by removing the last sentence in paragraph two.

Public Comments:

- Claudia Bonnet: Supports the suggestion to leave position vacant until the election.
- Chris Lizza: Is it possible to make an interim appointee ineligible to run in the election?
Marshall Rudolph: An appointee would have a right to run in the election, but the Board could have the appointee voluntarily agree not to run.

The Board filled vacant committee positions as follows:

- Bodie Hills Coordinating Resource Management Planning Steering Committee: This committee is not active, leave it vacant.
- Conway Ranch Task Force: This committee is not active, leave it vacant.
- Collaborative Planning Team: Supervisor Hunt will be the primary representative and Supervisor Farnetti will be the alternate.
- Inyo-Mono Area Agency on Aging: Supervisor Hazard is currently a member; Supervisor Farnetti will be the other member.
- Local Transportation Commission: Board Members have conflicts with other committee assignments, so the position will have to remain vacant unless the Board makes a non-Board appointment.
- Regional Council of Rural Counties: Supervisor Hazard will hold the position and Supervisor Hunt will continue as alternate.
- Town-County Liaison Committee: Supervisor Bauer will take the position.
- YARTS: Supervisor Bauer is currently the member and Supervisor Hunt is currently an alternate.
- RPACS: Supervisor Farnetti will assist with Bridgeport; Supervisor Bauer will assist with Lee Vining; Supervisor Hunt will assist with Antelope Valley.
- Supervisor Bauer will participate in discussions pertaining to the Walker River acquisition and leasing program.
- Supervisor Hunt will join Supervisor Hazard on the committee to work with the Bridgeport Indian Colony regarding their plans.

FINANCE DEPARTMENT

9c)

ADDENDUM

Proposition 1A Receivable Financing Program for CSA #1 (Brian Muir)

Consider resolution approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's proposition 1A receivable from the State; and directing and authorizing certain other actions in connection therewith.

R09-80

Action: Adopt **Resolution R09-80** approving the form of and authorizing the execution and delivery of a purchase and sale agreement and related documents with respect to the sale of the seller's proposition 1A receivable from

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the State; and directing and authorizing certain other actions in connection therewith.

Hazard/Bauer, 4-0

Brian Muir: The Board recently approved this action for the County. CSA #1 (a dependent district) has also requested this action.

LUNCH

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

PUBLIC WORKS

- 10a) **Purchase and Sale Agreement for APN 002-140-033** (Kelly Garcia) - Proposed purchase of certain real property commonly known as 106390 Highway 395, Walker, California (APN 002-140-033), for the Mountain Gate Fishing Access project.

- M09-257** **Action:** Authorize County entry into a purchase and sale agreement for said transaction with Lyn C. Norberg and authorize the County Administrator or his designee to open escrow and sign any necessary escrow papers; the Board will make its final decision to “consummate” the purchase at a future meeting, after a Notice of Intention to purchase the property has been duly published.
Farnetti/Hazard, 4-0

Kelly Garcia: The property in question is at the corner of Eastside Lane and Highway 395. This parcel is part of the Mountain Gate trail project. The plan is to purchase other parcels as funding becomes available. Norberg has accepted an offer and has signed the agreement. This matter will come before the Board again for final decision to consummate the sale.

Additional Departments: Social Services

- 10b) **Fund Transfer for Benton Community Center Flooring Replacement** (Joe Blanchard) - Receive staff report regarding the proposed replacement of flooring at the Benton and Chalfant community centers. Consider and potentially authorize the transfer of funds from the Social Services IHSS Advisory budget to complete the project. Provide any desired direction to staff.

- M09-258** **Action:** Authorize the Finance Director to transfer \$10,000 from the FY09-10 Social Services IHSS Advisory budget to Public Works' Facilities Maintenance budget to complete flooring replacement at the Benton Community Center.
Hazard/Farnetti, 4-0

Joe Blanchard: The original scope of work changed from carpet to vinyl flooring, which is more expensive in labor and materials. The facility will be used for IHSS meetings so social services funding can be used to pay for the costs.

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- 10c) **Lee Vining Road Shop Fencing Options** (Joe Blanchard) - Receive staff report regarding visual screening options for fencing at the Lee Vining Road Shop. Consider and potentially authorize funding for fence improvement or replacement. Provide any desired direction to staff.

M09-259 Action: Authorize up to \$22,000 from the contingency fund to replace the fence using fencing with pre-installed slats.
Farnetti/Hazard, 4-0

Joe Blanchard reviewed three options:

- Leave the current fence in place and add slats, which is not a desirable option because the old fence could blow over in heavy wind after slats are added.
- Install a commercial grade fence with pre-installed slats for \$22,000.
- Install landscaping in front of the fence.

Board Comments:

- Board Members supported allocating \$22,000 for a new fence with slats.
- Landscaping will take too long to grow; the shop needs to be screened now. Landscaping can be discussed at a later time.
- The shop probably won't be relocated in the near future; this is an eyesore and has been an issue for the community for a long time.
- There may be other, more pressing issues that need funding before spending \$22,000 on the fence.
- Maximize coverage to screen the shop would be best.

Additional Departments: County Counsel

- 10d) **Vacations - Down Canyon, June Lake** (Garrett Higerd) - Consider and potentially adopt proposed Resolution No. R09-___, "A Resolution of the Mono County Board of Supervisors Declaring its Intention to Consider Vacating Offers of Dedication for Portions of California Street, Rea Drive, and an Unnamed Walk Near Oregon Street in June Lake, California." Receive staff report. Provide any desired direction to staff.

- 1) **R09-81 Action:** 1) Adopt **Resolution R09- 81**, "A Resolution of the Mono County Board of Supervisors Declaring its Intention to Consider Vacating Offers of Dedication for Portions of California Street, Rea Drive, and an Unnamed Walk Near Oregon Street in June Lake, California;" and 2) Direct the Clerk of the Board, in consultation with the Director of Public Works, to set the date, hour, and place for public hearings concerning the proposed vacations and to cause publication and posting of notices pursuant to Streets and Highways Code Sections 8320 et seq.
- 2) **M09-260**

Bauer/Hazard, 4-0

Garrett Higerd: The vacations in question are requests from 2002; there was a hold on granting vacations until a plan was developed. These offers of dedication (all in the Clark Tract) were made in 1927; it appears that the roads have not been accepted as public roads. Higerd is planning to bring two additional requests forward, and depending on the Board's action, he would like to hold hearings for all six vacations during the first meeting in January.

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Stacey Simon, Assistant County Counsel: At this time, Public Works is only asking the Board to adopt a resolution initiating the process; a public hearing would then be held at a later date. The only authority the Board has in this matter is to vacate offers of dedication.

Supervisor Bauer: Received no negative comments from the community about the vacations.
Supervisor Hazard: Expressed concern about giving up future rights of way. Supervisor Bauer: A study has thoroughly reviewed future needs and determined these offers are not needed.

- 10e) **Paradise Fire Protection District MOU** (Jeff Walters) - Receive staff report regarding a proposed Memorandum of Understanding (MOU) with the Paradise Fire Protection District (District) for County provision of snow removal services at the District fire station. Consider and potentially authorize the Public Works Director to sign the MOU on behalf of the County. Provide any desired direction to staff.

M09-261 Action: 1. Find that: a) Public Works performs snow removal in the community of Paradise and on the road serving the District fire station; b) Public Works has the necessary equipment and staff to perform snow removal services at the facility; c) the Paradise Fire Protection District is a public agency; and, d) it is in the public interest to have the District fire station accessible at all times. 2. Authorize the Public Works Director (in consultation with County Counsel) to sign and administer the MOU for snow removal services at the District fire station. 3. Direct staff to bring to the Board for consideration MOUs for snow removal services at other fire stations.

Hazard/Bauer, 4-0

Jeff Walters: The fire house is located off of Lower Rock Creek Road. Public Works has performed snow removal service at no charge as part of their normal route; the service is only provided on the existing paved section. The fire department in the Town of Mammoth Lakes takes care of its own plowing. Public Works also provides plowing services for other fire stations in the County.

Evan Nikirk: The agreement does not compel the County to perform this service; it is provided only if feasible.

Marshall Rudolph: It would be prudent to have MOUs with all the fire stations that want plowing services.

ADJOURN: 2:46 p.m.

Adjourned in honor of Supervisor Bill Reid. Supervisor Hazard thanked the people who sent condolences to the Board.

BYNG HUNT
Vice Chairman

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ATTEST:

LYNDA ROBERTS
Clerk of the Board

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